

Remarks

The above Amendments and these Remarks are in reply to the Office Action mailed February 8, 2005. An appropriate Petition for Extension of Time to Respond is submitted herewith, together with the appropriate fee.

Claims 1-46, 49-51, 57-60, and 91-98 were pending in the Application prior to the outstanding Office Action. Claims 10-11, 13-19, 22-23, 29, 32, 40-46, 49-51, and 57-60 have been allowed. The Examiner rejected claims 1-9, 12, 20-21, 24-28, 30-31, 33-39, 59, 91-93, 99 and 100. The present Response cancels claims 1-9, 12, 20-21, 24-28, 30-31, 33-39, 59, 91-93, 99 and 100 leaving for the Examiner's present consideration claims 10, 11, 13-19, 22, 23, 29, 32, 40-46, 49-51, 57, 58 and 60.

I. REJECTION UNDER 35 U.S.C. §103(A) OVER *KOYANAGI* (U.S. PAT. NO. 5,471,064) IN VIEW OF *DUERIG, ET AL.* (U.S. PAT. NO. 4,831,614) AND *AKAMINE* (U.S. PAT. NO. 4,943,719)

Claims 1-9, 12, 24, 25, 30, 31, 34-36, 38, 39, 91-93, 99 and 100

The Examiner rejected claims 1-9, 12, 24, 25, 30, 31, 34-36, 38, 39, 91-93, 99 and 100 under 35 U.S.C. §103(a) as unpatentable over *Koyanagi* in view of *Duerig* and *Akamine*. In the interest of furthering prosecution. The Applicant requests cancellation of claims 1-9, 12, 24, 25, 30, 31, 34-36, 38, 39, 91-93, 99 and 100.

The Examiner states that *Akamine* teaches “(a) a moveable platform (cantilever) having a second substrate 34 comprising silicon dioxide (Fig. 12; column 4, lines 46-50, lines 65 and 66).” See OA page. The Applicant respectfully, but strongly disagrees. Referencing the Examiner to Section 2143.01 of the MPEP, it is there stated that “If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” The Examiner writes that the cantilever of *Akamine* teaches “a moveable platform” and that the cantilevers of *Duerig* teach “a plurality of cantilevers connected with said moveable read/write platform.” The Examiner seems to suggest that the cantilever of *Akamine* can be modified to be connected with the plurality of cantilevers of *Duerig*. The Examiner’s proposed modification would render such a structure inoperable, and therefore the Examiner’s combination of references including *Koyanagi* in view of *Duerig* and *Akamine* is improper. A plurality of cantilevers cannot be connected with a cantilever to produce a meaningful memory apparatus.

Further, the Applicant argues that the Examiner’s reading of a cantilever as shown in *Akamine* as “a moveable read/write platform” is inconsistent both with a “platform” as described in the specification

of the present application, and is inconsistent with any definition provided in a dictionary (e.g., Merriam-Webster defines platform as “3a. (1) : a usually raised horizontal flat surface”). However, due to the time and expense of prosecution, the Applicant requests that the rejected claims nevertheless be canceled.

II. REJECTION UNDER 35 U.S.C. §103(A) OVER *KOYANAGI* IN VIEW OF *DUERIG* AND *AKAMINE* AND FURTHER IN VIEW OF *ADDERTON, ET AL.* (U.S. PAT. NO. 6,196,061)

Claims 20 and 21

The Examiner rejected claims 20 and 21 under 35 U.S.C. §103(a) as unpatentable over *Koyanagi* in view of *Duerig* and *Akamine* and further in view of *Adderton*. In the interest of furthering prosecution. The Applicant requests cancellation of claims 20 and 21.

As discussed above, the Applicant does not wish to pursue prosecution of the rejected claims, but nevertheless argues that the rejections are improper.

III. REJECTION UNDER 35 U.S.C. §103(A) OVER *KOYANAGI* IN VIEW OF *DUERIG* AND *AKAMINE* AND FURTHER IN VIEW OF *MAMIN, ET AL.* (U.S. PAT. NO. 5,804,710)

Claims 26 and 27

The Examiner rejected claims 26 and 27 under 35 U.S.C. §103(a) as unpatentable over *Koyanagi* in view of *Duerig* and *Akamine* and further in view of *Mamin*. In the interest of furthering prosecution. The Applicant requests cancellation of claims 20 and 21.

As discussed above, the Applicant does not wish to pursue prosecution of the rejected claims, but nevertheless argues that the rejections are improper.

IV. REJECTION UNDER 35 U.S.C. §103(A) OVER *KOYANAGI* IN VIEW OF *DUERIG* AND *AKAMINE* AND FURTHER IN VIEW OF *MIYAZAKI, ET AL.* (U.S. PAT. NO. 5,412,597)

Claim 28

The Examiner rejected claim 28 under 35 U.S.C. §103(a) as unpatentable over *Koyanagi* in view of *Duerig* and *Akamine* and further in view of *Miyazaki*. In the interest of furthering prosecution. The Applicant requests cancellation of claim 28.

As discussed above, the Applicant does not wish to pursue prosecution of the rejected claims, but nevertheless argues that the rejections are improper.

V. REJECTION UNDER 35 U.S.C. §103(A) OVER *KOYANAGI* IN VIEW OF *DUERIG* AND *AKAMINE* AND FURTHER IN VIEW OF *HENDERSON, ET AL.* (U.S. PAT. NO. 5,935,339)

Claim 33

The Examiner rejected claim 33 under 35 U.S.C. §103(a) as unpatentable over *Koyanagi* in view of *Duerig* and *Akamine* and further in view of *Henderson*. In the interest of furthering prosecution. The Applicant requests cancellation of claim 33.

As discussed above, the Applicant does not wish to pursue prosecution of the rejected claims, but nevertheless argues that the rejections are improper.

VI. REJECTION UNDER 35 U.S.C. §103(A) OVER *KOYANAGI* IN VIEW OF *DUERIG* AND *AKAMINE* AND FURTHER IN VIEW OF *TANAKA* (U.S. PAT. NO. 5,808,973)

Claim 37

The Examiner rejected claim 37 under 35 U.S.C. §103(a) as unpatentable over *Koyanagi* in view of *Duerig* and *Akamine* and further in view of *Tanaka*. In the interest of furthering prosecution. The Applicant requests cancellation of claim 37.

As discussed above, the Applicant does not wish to pursue prosecution of the rejected claims, but nevertheless argues that the rejections are improper.

VII. REJECTION UNDER 35 U.S.C. §103(A) OVER *KOYANAGI* IN VIEW OF *DUERIG* AND *AKAMINE* AND FURTHER IN VIEW OF *SAKAI ET AL.* (U.S. PAT. NO. 5,329,122)

Claim 59

The Examiner rejected claim 59 under 35 U.S.C. §103(a) as unpatentable over *Koyanagi* in view of *Duerig* and *Akamine* and further in view of *Sakai*. In the interest of furthering prosecution. The Applicant requests cancellation of claim 59.

As discussed above, the Applicant does not wish to pursue prosecution of the rejected claims, but nevertheless argues that the rejections are improper.

VIII. ALLOWABLE SUBJECT MATTER

Claims 10, 11, 13-19, 22, 23, 29, 32, 33, 40-46, 49-51 and 57-60

Applicant appreciates the indication that claims 10, 11, 13-19, 22, 23, 29, 32, 33, 40-46, 49-51 and 57-60 are allowed.

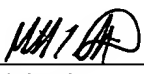
IX. CONCLUSION

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 8/8/05

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